



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/801,977

03/16/2004

Michael J. Olesko

45039.0028

2500

57362

7590

07/22/2008

AKERMAN SENTERFITT
801 PENNSYLVANIA AVENUE N.W.
SUITE 600
WASHINGTON, DC 20004

EXAMINER

WILHELM, TIMOTHY

ART UNIT

PAPER NUMBER

3616

MAIL DATE

DELIVERY MODE

07/22/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/801,977

Applicant(s)

OLESKO ET AL.

Examiner

Timothy D. Wilhelm

Art Unit

3616

Period for Reply
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-9, 30-32 and 34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-9, 30-32, and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This office action was made in response to an after-final amendment filed by Applicant on 6/23/2008.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1 and 2 are rejected under 35 U.S.C. 102(a) as being anticipated by Pimentel (6,576,837). Pimentel discloses a bracket comprising a base 64; an opening positioned in an internal portion in said base; and a plurality of retention members 74 that extend from said base into the opening, said retention members 74 being perpendicular to said base 64, wherein said retention members 74 are curled in shape to form a surface defining cavity extending perpendicular to said base. With regard to the fact that the intended use for the bracket of Pimentel is not for an airbag subassembly, section 2114 of the Manual of Patent Examination and Preparation states that "a claim containing a 'recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus' if the prior art apparatus teaches all the structural limitations of the claim." Therefore, because Pimentel discloses a bracket of identical structure it reads on the claimed invention as written.

Claim Rejections - 35 USC § 103

3. Claims 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pimentel in view of Berrahou et al (US 2004/0239080). Pimentel discloses the present invention except for the retention members being stamped from the base and each having first and second legs with each leg having an engagement surface. Berrahou et al teach a bracket for an airbag subassembly comprising a base 210 formed from a material, at least two retention members 220 extending from said base 210, said retention members 220 formed integral with and stamped from the same material as said base 210, said retention members 220 including an insertion point, a lip, and a surface formed to define a cavity extending approximately perpendicular to said base 210 (as can be seen in Fig. 6), wherein said base 210 defines an inflator opening 12 between said retention members 220, said retention members having first and second legs 226 that further define a retention cavity and a first engagement surface and a second engagement surface within said retention cavity. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the bracket of Pimentel with the teaching of Berrahou et al's retention members to better secure the retention members.

4. Claims 30-32 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pimentel in view of Schutz et al (7,108,276). Pimentel discloses the present invention except for the retention members being stamped from the material that is removed to formed the inflator opening. Schutz et al teach a bracket for an airbag

Art Unit: 3600

subassembly comprising a support structure 14, which is a steering wheel armature, a base 30; an inflator opening that is positioned in an internal portion of the base 30; at least two retention members 12 that extend from said base 30 into the inflator opening, each retention member 12 having an insertion surface and a lip, a retention member 13, and a housing 20 disposed between the base 30 and the support structure 14, wherein said retention members 12 are formed integral with said base 30, wherein said retention members 12 are adapted to extend substantially perpendicular to the base 30, and wherein the inflator opening is formed between said retention members 12, and further wherein the retention members extend into the inflator opening, are stamped from the material removed to make the inflator opening, and then are bent perpendicular to the base. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the bracket of Pimentel with Schutz et al's teaching of forming the retention members in the inflator opening from the stamped material that is removed to make said opening and bending the retention members into the opening to conserve material usage.

Response to Arguments

5. Applicant's arguments filed 6/23/2008 have been fully considered but they are not persuasive. Though Examiner previously expressed certain claims as being allowable over the prior art, after an updated search, the claims stand newly rejected with the prior art stated above. As such, this action is made Non-Final.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy D. Wilhelm whose telephone number is 571-272-6980. The examiner can normally be reached on 9:00 AM to 5:30 PM Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul N. Dickson/
Supervisory Patent Examiner, Art Unit 3600

Timothy D Wilhelm
Examiner
Art Unit 3616

/Timothy D Wilhelm/
July 16, 2008